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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,551	10/30/2001	Alexander J. Pasadyn	2000.082200/TT4476	8620

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10/16/2002

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EXAMINER

STEVENSON, ANDRE C

ART UNIT

PAPER NUMBER

2812

DATE MAILED: 10/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/020,551

Applicant(s)

PASADYN ET AL.

Examiner

Andre' C. Stevenson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 25-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) ____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

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Detail Action

Claims 25 through 41 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 3.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **1 through 24**, rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention Nulman (U.S. Pat. No.6408220).

Nulman (U.S. Pat. No.6408220 B1), for **Claim #1 through 12**, a method comprising performing a cascade processing upon said first and said second semiconductor wafers, acquiring pre-process metrology data during at least a portion of a time period wherein said second semiconductor wafer is being processed, performing feed forward process, modifying at least one control input parameter, acquiring post-process metrology data using an integrated metrology tool, receiving a first set of a plurality of semiconductor wafers, receiving a second set of a plurality of semiconductor

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wafers, (Column 6, lines 56 through 67, Column 7, lines 52 through 67, Column 8, lines 1 through 13, lines 48 through 60, Column 11, lines 66 & 67, Column 12, lines 1 through 28, claims 6, 9 & 17).

With respect to **Claim #13 through 24**, a method acquiring pre-process metrology data, processing first semiconductor wafer, acquiring pre-process metrology related to second semiconductor wafer, during at least a portion of a time period wherein said second semiconductor wafer is being processed, acquiring post-process metrology data related to first semiconductor wafer, processing said second semiconductor wafer, acquiring post-process metrology data, feed forward process based said pre-process metrology data, modifying at least one control input parameter, acquiring post-process metrology data using an integrated metrology tool, acquiring post-process metrology data using an integrated metrology tool, receiving a second set of a plurality of semiconductor wafers, is taught by Nulman (U.S. Pat. No.6408220 B1) (Abstract, Column 6, lines 56 through 67, Column 7, lines 52 through 67, Column 8, lines 1 through 13, lines 48 through 60, Column 11, lines 66 & 67, Column 12, lines 1 through 28, claims 6, 9 & 17).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' Stevenson whose telephone number is (703) 308 6227. The examiner can normally be reached on Monday through Friday from 7:30 am to 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Niebling, can be reached on (703) 308 3325. The fax phone number for the organization where this application or proceeding is assigned is (703) 308 7724.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956. Also, the proceeding numbers can be used to fax information through the Right Fax system;

- TC2800 Official Before-Final RightFAX - (703) 872-9318
- TC2800 Official After-Final RightFAX - (703) 872-9319
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Andre' Stevenson

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10/03/02


John F. Niebling
Supervisory Patent Examiner
Technology Center 2800